

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Gregg A. Holland,

Respondent

) HPA Docket No. 13-0024

)

)

) Complaint

There is reason to believe that the respondent named herein has violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Respondent Gregg A. Holland is an individual whose mailing address is 202 Chestnut Drive, Shelbyville, Tennessee 37160.

B. At all times material hereto, respondent Gregg A. Holland was the trainer of the horse known as "Freak Design" and entered this horse as Entry No. 1719, Class No. 80-A, on August 28, 2010, at the Tennessee Walking Horse National Celebration at Shelbyville, Tennessee.

II

On August 28, 2010, respondent Gregg A. Holland, in violation of section 5(2)(A) of the Act (15 U.S.C. § 1824(2)(A)), entered the horse known as "Freak Design" as Entry No. 1719, in Class No. 80-A, at the Tennessee Walking Horse National Celebration at Shelbyville, Tennessee, while the horse was sore.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the respondent in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying the respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2)

judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.
this 1st day of October, 2012

Acting [REDACTED] _____
Administrator
Animal and Plant Health
Inspection Service

ROBERT A. ERTMAN
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
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See Reverse for Instructions	



CERTIFIED RECEIPT REQUESTED

October 17, 2012

Gregg A. Holland
202 Chestnut Drive
Shelbyville, TN 37160

United States
Department of
Agriculture

Office of
Administrative
Law Judges

Hearing Clerk

Room 1031
South Building

1400 Independence
Avenue SW

Washington, DC
20250-9200

(202) 720-4443
(202) 720-9776 fax

Dear Mr. Holland:

Subject: Gregg A. Holland, Respondent
Docket Number: 13-0027

Enclosed please find a copy of the Complaint, which has been filed with this office under the Horse Protection Act and a copy of the Rules of Practice that govern these proceedings. Please familiarize yourself with the rules a note that the comments which follow do not serve as a substitute for the Rules of Practice.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, you have 20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint. It is necessary that your answer set forth any defense you may wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does address each material allegation of the complaint shall constitute an admission of those allegations and waive of your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony that is subject to cross-examination.

It is your responsibility to notify this office of any changes in your address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding must be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, DC 20250-9200.

Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appears on the last page of the complaint.

Sincerely,

L. Eugene Whitfield
Hearing Clerk

Enclosure(s)

CC: Robert Ertman, OGC
Jo A. Brown, APHIS

CMA: 10/17/12